

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
ex rel. KARL JEFFERSON and DIANA)
JEFFERSON; THE STATE OF ILLINOIS)
ex rel. KARL JEFFERSON and DIANA)
JEFFERSON,)
Plaintiffs,)

v.)

Case No.: 3:17-cv-01402-SMY

UNITED IRONWORKERS, INC.; KIM)
RASNICK; BUMPY’S STEEL ERECTION,)
LLC; D&K WELDING SERVICES, INC.;)
and DORRIE HARRIS,)
Defendants.)

FILED UNDER SEAL

**UNITED STATES’ AND STATE OF ILLINOIS’ NOTICE OF ELECTION
TO INTERVENE FOR PURPOSES OF SETTLEMENT**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), and Illinois False Claims Act, 740 ILCS § 175/4, the United States and the State of Illinois hereby notify the Court of their election to intervene in part for settlement purposes as to defendants United Ironworkers, Inc. (“UI”), Kim Rasnick (“Rasnick”), D&K Welding Services, Inc. (“D&K”), and Dorrie Harris (“Harris”).

Specifically, the United States and the State of Illinois intervene as to the *qui tam* Complaint allegations regarding UI’s, Rasnick’s, D&K’s, and Harris’s engagement in conduct from August 30, 2016, through April 15, 2020, to circumvent DBE regulations 49 C.F.R. §§ 26.55(c)(1), 26.69(a), and 26.71(b), to benefit from payments for work on federally- and state-funded transportation contracts in Illinois. The United States and the State of Illinois contend that, to participate as a DBE on the contracts, UI, Rasnick, D&K, and Harris conspired to provide materially false representations and information to IDOT regarding ownership and control of D&K for DBE certification and recertification. Furthermore, the United States and the State of Illinois

contend D&K failed to perform a commercially useful function when completing work as a DBE subcontractor on contracts during the period June 28, 2018, through April 15, 2020, specifically involving Contract Nos. 93679, 72K66, 72K07, 93704, 93733, 76J12, 95860, 78458, and 97693 (hereafter collectively referred to as “IDOT Contracts”). In addition, the United States and State of Illinois contend UI, Rasnick, D&K, and Harris submitted or caused to be submitted false claims in relation to the IDOT Contracts by invoicing prime contractors for DBE time and/or materials for the period June 28, 2018, through April 15, 2020. The executed Settlement Agreements refer to these allegations as the “Covered Conduct.”

The United States and State of Illinois decline to intervene as to all other allegations regarding UI, Rasnick, D&K, and Harris in the *qui tam* Complaint.

The United States and State of Illinois decline to intervene as to the *qui tam* Complaint’s allegations regarding defendant Bumpy’s Steel Erection, LLC.

The United States, the State of Illinois, Relators, UI, Rasnick, D&K, and Harris have executed Settlement Agreements that provide for installment payments over time, and the dismissal of this action after receipt of the first installment payments, pursuant to the terms and conditions of the Settlement Agreements. Pursuant to the Settlement Agreements, this Court will retain jurisdiction over any disputes that may arise regarding the Settlement Agreements.

The United States and State of Illinois request that the Relators’ Complaint, this Notice, and the proposed Order accompanying this Notice, once entered, be unsealed. The United States and State of Illinois request that all other papers on file in this action remain under seal, because in discussing the content and extent of the United States’ and State of Illinois’ investigation, such papers are provided by law to the Court for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed Order has been submitted for the Court’s consideration.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2022, I electronically filed the foregoing **UNITED STATES' AND STATE OF ILLINOIS' NOTICE OF ELECTION TO INTERVENE FOR PURPOSES OF SETTLEMENT** with the Clerk of Court using the CM/ECF system, and I also emailed the foregoing document to counsel for Relators as follows:

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Because this action is under seal pursuant to 31 U.S.C. §§ 3729-3733, as amended, Defendants have not been served with copies of the foregoing or any other related pleadings.

s/ Nicholas J. Biersbach
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Assistant United States Attorney